

## SUBCHAPTER Y : HIGHLAND LAKES

### §284.581. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

**Commercial system** - One or more septic tank system(s) serving an establishment other than private dwellings including, but not limited to marinas, motels, business establishments, restaurants, bars, schools, churches, clubhouses, resorts, etc.

**Commission** - The Texas Water Commission.

**Executive director** - The executive director of the Texas Water Commission.

**Failing system** - Any private sewage disposal facility which adversely affects surface or groundwater quality, or creates a condition which constitutes a possible medium of transmission of disease to human beings.

**Highland Lakes** - Those lakes on the Colorado River created by the following dams and located in the following counties:

(A) Buchanan Dam (Lake Buchanan), located in Burnet and Llano Counties;

(B) Roy Inks Dam (Lake Inks), located in Burnet and Llano Counties;

(C) Alvin J. Wirtz Dam (Lake Lyndon B. Johnson), located in Burnet and Llano Counties;

(D) Max Starcke Dam (Lake Marble Falls), located in Burnet County; and

(E) Mansfield Dam (Lake Travis), located in Burnet and Travis Counties.

**Holding tank** - A vented, watertight tank designed for temporary holding of sewage, and so constructed as to prevent the removal of the sewage except by pumping therefrom for delivery to an organized disposal system. Holding tanks may be licensed only when soil conditions and available space will not permit any other type of private sewage facilities as determined by the Lower Colorado River Authority.

**Installer** - Person who constructs, repairs, supervises, or performs any work of any kind whatsoever on an on-site sewage disposal system which is subject to license under this subchapter.

**LCRA** - The Lower Colorado River Authority, the entity designated by the commission for the performance of all licensing functions under this subchapter.

**LCRA supplements** - LCRA supplements to the standards published by the Texas Department of Health.

**Lined evapotranspiration system** - A septic tank system in which the field is made watertight and final disposal of effluent depends on 100% evaporation and transpiration.

**msl** - The abbreviation for mean sea level.

**Modification** - The addition to or improvement of part or all of a private sewage disposal facility to meet current LCRA, Texas Department of Health and Texas Water Commission standards for such facilities.

**Multiple dwelling unit** - One or more dwelling(s) occupied by more than one family unit in which one septic tank system serves more than one family unit. There may be more than one septic tank system, but each one serves more than one family unit, including apartment complexes, townhouses, condominiums, joint ownership systems, etc.

**Organized disposal system** - Any public or private system for the collection, treatment, and disposal of sewage operated in accordance with the terms and conditions of a permit from the commission.

**Person** - Any individual, partnership, corporation, association, governmental subdivision, or public or private organization, of any character other than an agency.

**Private single-dwelling unit** - A dwelling utilized by one family unit which is served by a septic tank system.

**Repair** - Replacement or restoration of one or more components of a private sewage disposal facility, exclusive of the sidewalls and bottom area of a soil absorption drainfield.

**Residential** - A dwelling used for or designed as a place for human habitation.

**Septic tank** - A vented, watertight tank which serves as a sedimentation and sludge digestion chamber, which is placed between the house sewer and the soil absorption or evapotranspiration field.

**Septic tank system** - A system for disposing of sewage through soil absorption or evapotranspiration, and consisting of the following components: the house sewer, the septic tank, and the soil absorption field or evapotranspiration beds.

**Sewage** - Waste that is primarily organic and biodegradable or decomposable and that generally originates as human, animal, or plant waste from certain activities, including using toilet facilities, washing, bathing, and preparing food.

**Standards** - The standards set forth in the pamphlet entitled "Construction Standards for On-Site Sewerage Facilities" and all future amendments thereto, which were adopted by the Texas Board of Health, pursuant to Texas Civil Statutes, Article 4477-1, as Texas Department of Health rules, 25 TAC §301.11-301.17, effective January 1, 1988.

**Subdivision** -

(A) A subdivision which has been platted and recorded with the county clerk of the county or counties in which the land lies, or which is required by statute to be so platted and recorded; or

(B) Any four or more contiguous lots or tracts, any of which is less than two acres in size.

**Unlined evapotranspiration system** - A septic tank in which final disposal of effluent depends on a maximum of 30% soil absorption and a minimum of 70% evaporation and transpiration of the septic tank effluent.

#### **§284.582. Licensing Function.**

(a) The Lower Colorado River Authority is hereby designated by the commission to perform all of the licensing functions specified in this subchapter. The designation includes the licensing, investigative, and administrative functions provided herein. The LCRA is designated by the commission to enforce the regulations contained in this subchapter. The LCRA will enforce these regulations in accordance with §284.603 of this title (relating to Enforcement of these Regulations).

(b) Any person or firm owning and/or operating individual sewage disposal facilities within the restricted zone or the water quality zone shall permit employees and agents of LCRA to make such

reasonable inspections of the sewage disposal facilities as may be required to determine whether those facilities comply with this subchapter.

(c) LCRA may make charges for tests, inspections, issuance of licenses, water quality investigative actions, and other functions provided for or required by this subchapter. Any fees charged by LCRA for the performance of the functions provided in this subchapter shall include the costs incurred, plus cost of administration, overhead, and any required employment of consultants, laboratories, and such other services as may be required to carry out the functions described in this subchapter. The schedule of fees to be established by LCRA as described in §284.604 of this title (relating to Fee Schedule) is the approved fee schedule for the private sewage facilities regulatory program around the Highland Lakes.

(d) The LCRA is required to supplement the water quality sampling programs conducted by the commission and the Texas Department of Health on the Highland Lakes with a continuing program of shoreline water sampling. When any of these sampling programs indicate a significant reduction of water quality below the water quality standards of the lakes, inspections of private sewage facilities in the areas determined to be the source of pollution will be conducted by LCRA and the owners of any failing systems will be required to make all necessary modifications or replacements of such systems.

#### **§284.583. Restricted Zones.**

The commission designates the Highland Lakes restricted zones as the areas surrounding the lakes (including the lake beds) as follows.

(1) The Lake Buchanan restricted zone is the area which is within 200 feet of the 1,020-foot msl contour line measured horizontally away from the lake.

(2) The Lake Inks restricted zone is the area which is within 200 feet of the 888-foot msl contour line measured horizontally away from the lake.

(3) The Lake Lyndon B. Johnson restricted zone is the area which is within 200 feet of the 825-foot msl contour line measured horizontally away from the lake.

(4) The Lake Marble Falls restricted zone is the area which is within 200 feet of the 738-foot msl contour line measured horizontally away from the lake.

(5) The Lake Travis restricted zone is the area which is below the 691-foot msl contour line.

#### **§284.584. Water Quality Zones.**

The commission designates the water quality zones for all the Highland Lakes as that portion in the lakes' drainage areas lying between the outer boundary of the restricted zone and a parallel line located a distance of 2,000 feet measured horizontally away from the outer boundary of the restricted zone.

**§284.585. Sewerage Facilities.**

(a) Restricted zones. No sewerage facilities of any kind may be constructed, placed or used within the restricted zones on any of the Highland Lakes except:

(1) facilities of organized disposal systems authorized by valid permits issued by the commission;

(2) pump-out facilities for the removal and disposal of wastes from boats and other watercraft in accordance with §§321.1-321.18 of this title (relating to Boat Sewage Disposal);

(3) around Lakes Buchanan, Inks, Lyndon B. Johnson, and Marble Falls, septic tank systems other than soil absorption systems, of designs approved by the Texas Department of Health and the LCRA, and permitted under this subchapter (no septic tank system may be installed around Lake Travis in this zone); and

(4) permitted septic tanks and pump tanks for delivery of effluent to absorption fields located outside the zone.

(b) Installation. Systems described in subsection (a)(3) and (4) of this section shall be installed by a licensed installer under §284.592 of this title (relating to Requirement of a Licensed Installer; Effective Date) or a person excepted from the licensing requirements under §284.597 of this title (relating to Exceptions to Installer Licensing Requirements).

(c) Water quality zones. Sewerage facilities may be constructed or placed, and sewage discharged within the water quality zones on any of the Highland Lakes under either of the following conditions:

(1) organized disposal facilities authorized by valid permits issued by the commission;  
or

(2) septic tank systems of either soil absorption type, or other types of systems, provided the design is approved by the Texas Department of Health, the system is permitted by LCRA and is installed by a licensed installer under §284.592 of this title (relating to Requirement of a Licensed Installer; Effective Date) or a person excepted from the licensing requirements under §284.597 of this title (relating to Exceptions to Installer Licensing Requirements).

**§284.586. Licenses for Septic Tanks in Restricted and Water Quality Zones.**

(a) Restricted zones. While §284.585 of this title (relating to Sewerage Facilities) states that no septic tank systems shall be constructed, placed or used in the restricted zones, the LCRA may issue a license for a septic tank system if:

(1) it finds that the existence of any system installed before September 17, 1971, will not cause pollution of the lakes, or injury to public health, subject to subsection (e) of this section. The

LCRA may cancel such licenses whenever the collection system of an approved organized disposal system is located within 300 feet, if in the opinion of LCRA it is feasible to connect; and

(2) facilities described in §284.585(a)(2)-(4) of this title (relating to Sewerage Facilities) have been allowed.

(b) Water quality zones. No part of a septic tank system may be installed or used in the water quality zones unless a license therefore has been issued in accordance with this subchapter.

(1) A subdivision lot which lies wholly or partially within the zone and which has a minimum lot size of less than one-half acre must be connected to an organized disposal system operating under a valid permit issued by the commission and may not be served by a septic tank system. A subdivision lot which has a minimum lot size of at least one-half acre may be served by a septic tank system. The minimum lot size established by this subchapter pertains to single-family housing units and does not apply to those subdivisions which have been platted and properly recorded prior to September 17, 1971. Tracts of land of less than one-half acre in size as of September 17, 1971, which were not at that time located in a platted subdivision, are also not affected by the minimum lot size requirements of this subchapter. These exceptions to the requirement of a minimum one-half acre lot size do not apply when an excepted lot or tract is subdivided after September 17, 1971. Tracts of land of less than one-half acre size after September 17, 1971, which are not located in a platted subdivision must be connected to an organized disposal system operating under a valid permit issued by the commission and may not be served by a septic tank system.

(2) Where multiple family units are involved, LCRA shall determine the increased lot size necessary for a septic tank system to function properly.

(3) Where steep and hilly lots or other special circumstances are involved, LCRA may increase the minimum lot size or may require special precautions be taken in order that the septic tank system on such sites is capable of functioning properly.

(4) Each 400 gallons per day of potential sewage discharge from a non-residential facility shall require the land area or lot size needed for a single family residence.

(c) Conditional license. LCRA may issue a conditional license for a septic tank system in either zone under circumstances otherwise prohibited herein if LCRA finds that the installation of such a septic tank system will not cause pollution of the adjacent lake, or injury to public health.

(d) Transfer of licenses. Any license issued under this subchapter can be reissued to a succeeding owner of the property only after:

(1) an application is made to LCRA;

(2) LCRA performs a reinspection of the system in accordance with §284.590(b) of this title (relating to Operation and Maintenance); and

(3) LCRA declares the system satisfactory for any anticipated changes of system loading created by the change of ownership of the property.

(e) Replacement of systems upon failure or obsolescence. Any drainfield installed before September 17, 1971 and licensed under this section which fails and which does not, or cannot be expected to resume normal and safe operation following a repair, must be modified with a system upgraded to meet all current standards of the LCRA, Texas Department of Health and Texas Water Commission. A modification of an absorption type system installed prior to September 17, 1971 within the restricted zones on Lakes Buchanan, Inks, Lyndon B. Johnson and Marble Falls shall be modified with lined evapotranspiration type systems, or a technology approved by the LCRA.

(1) Owners of failing absorption type systems built before September 17, 1971 located closer to a well or lake than the current Texas Department of Health or Texas Water Commission setback distances allow shall be required to relocate the drainfield in order to meet the setbacks, or shall install a lined evapotranspiration system. The lined evapotranspiration system must be installed to meet the Texas Department of Health setback distance if possible; if not, installation may be approved as far from the well and/or lake as is feasible, as determined by LCRA.

(2) Change in the composition of the residence served by an on-site sewage disposal system installed prior to September 17, 1971, which cause the total number of bedrooms in the residence to exceed by one bedroom the number for which the system is licensed, shall require the property owner to either retrofit all toilets and showerheads with ultra-low-flow water conserving devices, and receive a conditional license, or modify the entire sewage disposal system, and receive a regular license.

(3) Alterations to a residence served by an on-site sewage disposal system installed prior to September 17, 1971, which cause the total number of bedrooms in the residence to exceed by two or more bedrooms the number for which the system is licensed, shall require the property owner to modify the entire sewage disposal system.

(f) Increased use of non-residential sewage facilities. Non-residential institutions served by a soil absorption system installed prior to September 17, 1971, which increase or potentially increase the wastewater loading to the disposal system over the licensed amount, will be reviewed individually by LCRA. LCRA shall either require the owner to retrofit all toilets, showerheads and other applicable non-water-conserving devices with ultra-low-flow water conserving devices in order to prevent the wastewater loading from exceeding the licensed amount, or modify the entire wastewater disposal system.

(g) Certain repairs allowed for systems installed prior to September 17, 1971.

(1) In the event only the septic tank is found to be defective, replacement of the tank shall be with a tank meeting current Texas Department of Health requirements and LCRA supplement standards for new systems.

(2) Replacement of damaged or root-choked pipes, gravel media, damaged tank lids or replacement of other similar materials shall continue to be allowed.

(3) An exception to the requirements of full system modification shall be allowed should the property be within two years of connection to a central treatment system, and a letter from the central treatment system manager to that effect is submitted to LCRA. It shall be the responsibility of the owner to maintain or enlarge the system as necessary to prevent surfacing effluent during the period prior to central treatment system connection.

**§284.587. License Procedures for Construction of New Septic Tank Systems.**

The following procedures shall govern the issuance of licenses for new septic tank systems within the restricted or water quality zones.

(1) Application forms may be obtained from the office of the LCRA either in person or by mail. To initiate application for a license, the completed application form, proposed system design, and percolation test results, if a soil absorption system is proposed (certified by a registered professional engineer, a registered professional sanitarian, or a recognized soils testing laboratory), must be filed with LCRA. No action will be taken on the application unless appropriate fees are paid at the time of filing.

(2) If the application is for a soil absorption septic tank system, the applicant should make his own arrangements for drilling the percolation test holes, and for the performance of the percolation test. When the applicant is unable or unwilling to make his own arrangements for such tests, the LCRA will perform the percolation test within a reasonable period of time, not to exceed 60 days, but only if proper fees have been paid, and the applicant has furnished LCRA the information as to the location of the test holes prepared in accordance with the prevailing standards.

(3) An applicant for a permit to construct a non-residential private sewage disposal facility shall identify at the time of permitting, and permanently reserve, a secondary disposal area on the property at least equally as large as the primary area, to be used as necessary for system enlargement or replacement. For soil absorption systems, this secondary area shall be a minimum of 20 feet from the primary drainfield or any neighboring drainfield. Under special circumstances, LCRA may increase the minimum setback distance between drainfields to assure proper drainfield operation.

(4) A registered professional engineer shall design any private sewage disposal facility intended to serve a non-residential facility which will discharge in excess of 400 gallons per day of sewage, and shall affix his seal to such a design.

(5) When all requirements are satisfied, LCRA will issue a construction permit, allowing the applicant to proceed with the construction of the septic tank system in accordance with the plans submitted with the application. The system must be installed by a licensed installer under §284.592 of this title (relating to Requirement of a Licensed Installer; Effective Date) or a person excepted from the licensing requirement under §284.597 of this title (relating to Exception to Installer Licensing Requirements). If the application is disapproved as submitted, and LCRA is of the opinion

that a septic tank system of a different design may be constructed on the property, it shall advise the applicant in writing of the changes necessary to obtain a construction permit.

(6) All septic tank systems shall be constructed in accordance with the plans approved by LCRA, and any deviation from the plans must receive prior approval by LCRA before construction starts. The construction of the system shall be subject to inspection by LCRA and its agents at all reasonable times. Upon completion of construction, but before the system is covered, LCRA shall make a final inspection in accordance with §284.590(b) of this title (relating to Operation and Maintenance) to ensure compliance with this subchapter. The license to operate the system shall be issued to the applicant by LCRA only after all requirements have been met.

**§284.588. Term of Sewage Facility Licenses.**

(a) Private single-dwelling units. Upon the effective date of this subchapter, valid licenses for private single- dwelling unit systems shall continue in effect, until revoked or amended by the LCRA. Prior to any action for the proposed revocation or amendment of the license, the licensee must be given notice of the proposed action and be given an opportunity for a hearing. This subsection does not apply for private single-dwelling units where there is a change in ownership of the premises. In such cases, a system reinspection will be required before a license can be issued to the new owner.

(b) Commercial and multiple unit systems. Licenses for commercial and multiple unit septic tank systems issued under this subchapter, other than conditional licenses, shall be effective for a term of five years beginning on the effective date of this subchapter.

(c) Automatic termination. Any license issued under this subchapter or previous rules shall automatically terminate if there is a change in ownership of the property, if there is a subdivision of the property served by the septic tank system, if the property is used for a purpose other than that described in the original application, if the loading of the system is significantly increased beyond that stated in the application, if the system fails, or if an organized disposal system is developed to within 300 feet of any portion of the septic tank system, if LCRA considers connection feasible. A new inspection must be made prior to the issuance of a new license.

**§284.589. Reissuance of Sewage Facility Licenses.**

Licenses for commercial and multiple unit sewage disposal systems in the restricted and water quality zones will be reissued for successive terms of five years if the LCRA finds that the lot or tract in question may continue to be served by private sewage facilities without causing pollution or injury to public health. The LCRA may extend the expiration date of said licenses for a period of not more than 12 months for the purpose of conducting inspections and carrying out the administration of the subchapter in an economically sound manner.



**§284.590. Operation and Maintenance.**

(a) Septic tank systems licensed under this subchapter shall be operated and maintained in accordance with standards developed by the Texas Department of Health and the LCRA supplements. All wastes removed from septic tank systems must be disposed of only in an organized disposal system operated in accordance with a valid permit issued by the commission. All septic tank systems licensed under this subchapter shall be subject to inspection by LCRA and its agents at all reasonable times for the purpose of determining compliance with the terms of the license and this subchapter.

(b) The following procedures shall govern the inspection of sewage disposal systems.

(1) A visual inspection of the on-site sewage disposal system tank interior shall be required whenever LCRA is performing an inspection or reinspection of the private sewage disposal facility. This requirement shall apply to initial system inspections, transfer of ownership inspections, regular five-year inspections of systems serving multi-family units and commercial establishments, and at those times when drainfield work is being inspected.

(2) Tanks shall be uncovered and access to the tank interior shall be provided by the owner to LCRA. LCRA shall inspect the tank for watertightness, proper inlet and outlet devices, proper design, sound construction, and excessive sludge and scum build-up. Aerobic treatment unit tanks will be inspected for proper mechanical operation.

(3) Inspection will not be required more often than once every two years unless it is believed the tank has been damaged. LCRA may uncover a tank for additional inspections during this two-year period at its own expense.

(c) Inspected tanks which are found to be leaking around the outlet device shall be repaired; tanks leaking from the body, tanks of poor design, and all metal tanks shall be replaced with a new tank or tanks meeting current LCRA and Texas Department of Health sizing criteria for that particular house or commercial establishment. Owners of tanks in need of pumping out due to excessive sludge or scum build-up shall provide a receipt to the LCRA from a Texas Department of Health licensed septic tank pumper following that service.

**§284.591. Exceptions.**

The commission intends that the regulations contained in this subchapter be enforced, but realizes that certain individual situations may require the granting of an exception to the requirements contained in the subchapter so that hardships may be avoided. Exceptions which cause potential harm to public health or the quality of the waters in the lakes will not be granted. The following procedures for requests for exceptions are established:

(1) Any person desiring an exception shall file an application with the LCRA for its analysis of the specific nature of the situation.

(2) The LCRA shall make necessary reviews and within 60 days either grant or deny the exception. If an exception is denied, a statement setting out the reasons for the decision and what corrective measures, if any, could be undertaken to achieve licensure shall be furnished.

**§284.592. Requirement of a Licensed Installer; Effective Date.**

Beginning 120 days after the effective date of this subchapter, no person may commence or proceed in any manner with the supervision, construction, repair or modification of, a private sewage facility unless that person is a licensed installer or is expressly excepted from the installer's license requirements under this subchapter.

**§284.593. Procedures To Secure an Installer's License.**

(a) In order to obtain an installer's license, an individual shall make application to the Lower Colorado River Authority, licensing authority. The licensing authority shall provide the applicant with a copy of the Highland Lakes Regulations along with current amendments and state laws applicable to the installation of on-site sewage disposal facilities in the Highland Lakes region.

(b) An installer's license fee of \$150 shall be submitted for consideration of an application.

(c) The individual, upon taking a written examination under conditions prescribed by the licensing authority and demonstrating on the exam knowledge of the regulatory requirements applicable to the installation and repair of on-site sewage disposal facilities, shall be issued an installer's license.

(d) An applicant may take the exam three times each year to score a passing grade.

**§284.594. Publication of the Installer License and List of Authorized Installers.**

(a) The licensed installer shall display the license number on all heavy equipment owned by the installer which is used for the installation of on-site sewage disposal facilities.

(b) The licensing authority shall maintain a current list of licensed installers and make said list available to any person upon request.

**§284.595. Term of Installer License.**

An installer license is valid for one year from the date of issuance and must be renewed annually. A fee of \$75 will be charged for renewal.

**§284.596. Responsibility of Installer.**

A licensed installer shall adhere to all regulatory requirements relevant to the installation of sewage facilities, supervise employees and agents, and be responsible upon penalty of suspension or cancellation of his or her installer's license for proper installation of all private sewage facilities installed under his or her authority and pursuant to his or her license.

**§284.597. Exceptions to Installer Licensing Requirements.**

The following persons are exempt from the installer licensing requirements.

(1) A registered professional engineer who has received site specific design plan approval from LCRA will be allowed to install or supervise the installation of that particular designed system without being licensed by LCRA. However, an engineer who installs or supervises the installation of an on-site disposal system, not engineered by him and approved by LCRA, shall not be exempt from these licensing requirements.

(2) A property owner who installs his or her own on-site sewage disposal system (limited to one system per year under the owner exception) shall be exempt from this section if the following conditions are met:

(A) the installation is either under the direction of a licensed installer, or a registered professional engineer, as stated in paragraph (1) of this section; or

(B) a property owner passes the written examination required under the terms of §284.593 of this title (relating to Procedures To Secure an Installer's License). No installer's license fee will be required, and no installer's license will be issued.

**§284.598. Installer License Not Transferable.**

An installer's license will be non-transferable, and will be issued to individuals only.

**§284.599. Suspension and Cancellation of Installer's Licenses.**

(a) Grounds for suspension or cancellation of an installer license include, but are not necessarily limited to, the following:

(1) installation or alteration of a private sewage facility without valid authorization by the licensing authority under §284.593 of this title (relating to Procedures To Secure an Installer's License);

(2) a finding by the licensing authority of a pattern of faulty workmanship in connection with the installation or repair of private sewage disposal facilities; or

(3) any other violation of this subchapter.

(b) Whenever it appears to the licensing authority that a licensed installer has violated or is violating any requirement of this subchapter, the licensing authority shall require the installer to appear at the offices of the director of environmental quality, licensing section, LCRA, for a hearing convened for the purpose of considering the suspension or cancellation of the installer's license. Following the hearing, the licensing authority shall provide the installer with written notice of its decision, and shall include therein the reasons for any suspension or cancellation.

(c) At the hearing provided for in subsection (b) of this section, the installer may present evidence to rebut allegations of substandard installation or other violations of this subchapter.

**§284.600. Range of Penalties to Installers.**

Pursuant to the procedures described in §284.599(b) and (c) (relating to Suspension and Cancellation of Installer's Licenses), the licensing authority, may cancel or suspend a license for violations listed in §284.599(a) of this title (relating to Suspension and Cancellation of Installer's Licenses). An application for a new installer license may not be made for a period of 180 days after cancellation. Violation of §284.599(a) of this title (relating to Suspension and Cancellation of Installer's Licenses) may result in license suspension for a period of 60 days. After two suspensions of a license any further violations will result in cancellation of the license for at least 180 days. In order for an installer whose license has been cancelled to obtain a new license, at the expiration of the 180-day period, the installer must reapply and meet all requirements of §284.593 of this title (relating to Procedures To Secure an Installer's License).

**§284.601. Terms and Conditions of Appeal.**

(a) The commission intends that any disputes concerning the application of these rules to individual situations be negotiated to conclusion between the licensing authority and the individuals involved, if possible. However, any person aggrieved by an action or decision of the licensing authority may appeal to the Texas Water Commission if the following terms and conditions are met.

(1) All of the appropriate steps required of the aggrieved person by the terms and conditions of this subchapter have been met.

(2) The aggrieved person has made conscientious effort to resolve his problem with the licensing authority.

(b) Appeal is properly made by the aggrieved party by filing a written statement stating with specificity the nature of the grievance. This statement is to be filed with the executive director of the commission, who will then cause notice of the appeal to be issued to the licensing authority. The executive director will then forward the appeal to the Texas Water Commission for its consideration.

**§284.602. Severability Clause.**

If any provision of this subchapter or the application thereof to any person or circumstances is held invalid, the validity of the remaining provisions of this subchapter and of the application of such provision to other persons and circumstances shall not be affected thereby.

**§284.603. Enforcement of these Regulations.**

(a) Criminal penalty, Texas Water Code, §26.214.

(1) A person who violates any provision of these regulations is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. Each day that a violation occurs constitutes a separate offense.

(2) Jurisdiction for prosecution of a suit under this section is in the justice of the peace courts.

(3) Venue for prosecution of a suit under this section is in the justice of the peace precinct in which the violation is alleged to have occurred.

(b) Civil penalty. A person who violates any provision of this subchapter is subject to an injunction by court order and to a civil penalty for each act of violation and for each day of violation, to be recovered as provided in the Texas Water Code, Chapter 26.

**§284.604. Fee Schedule.**

LCRA shall establish a fee schedule for the private sewage facilities regulatory program around the Highland Lakes and maintain a copy of such fee schedule at LCRA offices for inspection by the public. Such fee schedule shall set reasonable fees for services performed by or at the direction of the LCRA and may, subject to applicable laws, be amended by LCRA from time to time.